

Applicants continue to traverse the rejections under section 103 on the merits. In a telephone interview with the Examiner on September 22, 2003, however, Applicants' representative, Steven J. Shumaker, pointed out that two of the prior art references relied upon by the Examiner in formulating the final rejections do not qualify as prior art. In particular, Shu et al. and Sakuyama et al. carry 102(e) dates of April 22, 1999 and April 16, 1998, respectively. However, the present application is a continuation of U.S. application serial no. 08/882,561, filed July 3, 1997. The present application, by its transmittal letter, was amended upon filing to provide a priority claim as follows: "This is a continuation of Application No. 08/882,561 filed July 3, 1997."

On this basis, the present application is entitled to an effective filing date of July 3, 1997, which antedates the 102(e) dates of the Shu et al. and Sakuyama et al. references. Accordingly, the Shu et al. and Sakuyama et al. references do not qualify as prior art against the present application under sections 102(e) or 103. Consequently, the rejections made under section 103 in reliance on the Shu et al. and Sakuyama et al. references should be withdrawn.

In the telephone interview, the Examiner acknowledged the priority claim and effective filing date of the present application, and indicated that the outstanding rejections would be withdrawn. The Examiner issued an Interview Summary to that effect on September 22, 2003. However, the Examiner requested that Applicants nevertheless respond to the obviousness-type double patenting rejection. This response constitutes Applicants' statement of the substance of the telephone interview of September 22, 2003.

With this request for reconsideration, Applicants have filed a Terminal Disclaimer. Applicants respectfully request that the Examiner enter the Terminal Disclaimer. Upon withdrawal of the rejections under section 103, as discussed above, entry of the Terminal Disclaimer would overcome the obviousness-type double patenting rejection and place the application in condition for immediate allowance. Moreover, entry of the Terminal Disclaimer would eliminate all remaining issues for appeal, making the appeal moot.

Upon withdrawal of the rejections under section 103, and entry of the Terminal Disclaimer, all claims in this application would be in condition for allowance. Applicants respectfully request reconsideration and prompt allowance of all pending claims. Please charge any additional fees, including any fees necessary for extension of time, or credit any

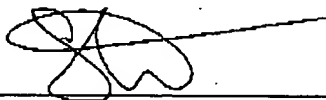
overpayment, to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

By:

9-23-03

SHUMAKER & SIEFFERT, P.A.
8425 Seasons Parkway, Suite 105
St. Paul, Minnesota 55125
Telephone: 651.735.1100
Facsimile: 651.735.1102



Name: Steven J. Shumaker
Reg. No.: 36,275